

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6540 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DHANERA TALUKA SAHKARI KHARID VECHAN SANGH LTD

Versus

STATE OF GUJARAT

Appearance:

MR TUSHAR MEHTA for Petitioner

MR ND GOHIL, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/05/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. Rule. Mr.N.D.Gohil waives service of Rule on behalf of respondents.

3. Looking to the dispute which has arisen in the present case, I consider it to be appropriate to dispose

of this petition finally at this stage. Under the order annexure 'A' dated 16th August 1997, in exercise of powers conferred under Section 80(1) of the Gujarat Cooperative Societies Act, 1961 (hereinafter referred to as the "Act 1961"), the State Government nominated its three persons as the members of the Managing Committee of the petitioner-society.

4. The learned counsel for the petitioner contended that vide Resolution dated 20th December 1996, the State Government has appointed these three persons as Government nominees in the managing committee of the petitioner-society. The learned counsel for the petitioner further contended that the petitioner-society had already returned to the State Government the amount of its subscription in share capital, though after the order annexure 'A' has been passed. He further contended that in view of the subsequent developments which have taken place, Section 80 of the Act 1961 no more remains applicable and there is no reason to continue these three persons as nominees in the managing committee of the petitioner-society. The learned counsel for the petitioner has drawn my attention towards the representation made by the petitioner-society praying therein for cancellation of appointment of these three members by the State Government, but what he contended that the State Government has not taken decision on the said representation, and on the contrary the State Government insisted for issuing agenda of the meeting of the Society.

5. Taking into consideration the totality of the facts and circumstances of the present case, I am of the opinion that interest of justice will be served in case the respondents are directed to decide the representation of the petitioner-society for recalling its three members as its nominees in the managing committee of the petitioner-society, within a period of two months from the date of receipt of writ of this order, after hearing the representative of the petitioner-society. In case the prayer of the petitioner is not acceptable, a reasoned order may be passed and a copy of the same may be sent to the petitioner-society by registered post A.D. In case of difficulty, liberty is granted to the petitioner to revive this Special Civil Application.

6. The Special Civil Application and Rule stand disposed of accordingly with no order as to costs.

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(sunil)